

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIM. CASE NO. 13-20764

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

ANTONIO JOHNSON,

Defendant.

_____ /

ORDER

**DENYING MOTION FOR A WRITTEN PROFFER AND HEARING ON
ADMISSIBILITY OF CO-CONSPIRATORS' STATEMENTS UNDER
FEDERAL RULE OF EVIDENCE 801(d) Dkt. 186**

This Court will utilize a Sixth Circuit-approved method of evaluating statements of co-conspirators during and in furtherance of the conspiracy that are offered pursuant to F.R.E. 801(d)(2)(E), to wit, admit the statements conditionally, and thereafter at the end of the Government's case-in-chief, determine by a preponderance of the evidence whether, there was a conspiracy, and the statements were made by co-conspirators in furtherance of the conspiracy. *United States v. Vinson*, 606 F.2d 149, 152-53 (6th Cir. 1979)(Merritt, Edwards and Keith); *United States v. Holloway*, 740 F.2d 1373, 1375-76 n.2 (6th Cir. 1984).

SO ORDERED.

DATED: July 1, 2014

s/Paul D. Borman

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 1, 2014.

s/Deborah Tofil

Case Manager